

It must be recollected, however, that although there is an obvious propriety in recognizing the appointment of a guardian so made, under the law of one state in every other state; yet, that when this court is called upon, in respect of any property found here, belonging to an infant foreigner, to appoint a guardian for him, for the purpose of having it taken care of, no one can be appointed who is not a resident within its jurisdiction, so as to be held responsible, and subject to its control; because no state can extend its process, or give efficacy to its judicial power, or its laws beyond its own jurisdiction. (*u*) And so too, where an infant has been improperly, or illegally removed into a foreign country, there, from necessity, the guardian here must be authorized to remit, or have applied, as well as circumstances will admit, the annual income of his estate for his maintenance and education. (*w*)

But it is believed, that there is no well considered English adjudication, by which it has been determined, in opposition to the rule laid down by the most eminent writers on public law, that the appointment of a guardian to a foreign infant, under the law of his domicil, must be recognized and allowed every where else.

In the case under consideration, this court is called upon to appoint a guardian to several male and female infants by their father and natural guardian; for whom, even if they had no natural guardian, it is at least questionable, whether any of the Orphans Courts could appoint a guardian; because the lands of these infants do not lie any where within this state; and because no administration could be granted here of the personal property, lying within the British dominions, which has been bequeathed to them, by one who died abroad, who was not domiciled within this state, and who left no property here. Their case is, in these respects, peculiar. But being citizens of Maryland, it is the duty of this state to protect their interests; and the discharge of that duty, by virtue of the general jurisdiction with which he has been clothed in such cases, devolves upon the Chancellor. According to the principles of equity by which this court is governed, where property has been in any way acquired by an infant, whose parents are living, it may, if necessary, provide for its preservation, either independently of such natural guardian, or by compelling him to give

---

(*u*) Vattel, b. 2, c. 7, s. 84; *Ex parte* Ord. 4 Cond. Cha. Rep. 44; *Logan v. Fairlee*, 4 Cond. Cha. Rep. 90.—(*w*) *Roach v. Garvan*, 1 Ves. 158; *Stephens v. James*, 7 Cond. Cha. Rep. 197.